

THE TRIAL

In 1865, Thomas C. Dula, a 22 year old Confederate war veteran, returned to his home in Wilkes County, North Carolina. In neighboring Caldwell County, lived Wilson Foster, and his daughter Laura. A few miles distant, lived James Melton, a shoemaker, and his wife Anne. Tom contracted syphilis from Laura, which he eventually gave to Anne. On May 26, 1866, Laura Foster was last seen leaving home on her father's mare, reputedly to run away with Tom. The horse returned without her, and a search was begun. Seven weeks later, her body was found buried not far from Dula's house, and Dula and Anne Melton were indicted for the murder as co-defendants.

"Thomas Dula, the condemned man, was about 22, five feet eleven inches high, had dark eyes, dark curly hair, and though not handsome, might be called good-looking. He fought gallantly in the Confederate service where he established a reputation for bravery..."(1)

Zebulon B. Vance, who defended Dula, "thought he was shielding a woman, who really committed the murder, but Dula never talked." He was "assisted in the defence by Judge Armfield and R.P. Allison. They are said to have packed the jury with Confederate war veterans and to have kept Dula's war record, a sensational one, constantly before the jury."(2)

The community in the vicinity, according to the New York HERALD of May 1, 1868, could be "divided into two entirely separate and distinct classes. The one occupied the fertile lands adjacent the Yadkin, is educated and intelligent; the other, living on the spurs and ridges of the mountains is ignorant poor and desperate. A state of immorality unexceeded in the history of any country exists among these people, and such a general system of free love prevails that it is a 'wise child that knows its father.'"

The trial was originally scheduled for Wilkes County, but moved to neighboring Iredell County to avoid local prejudice. It began October 19, 1866, almost five months after the murder had been committed, and three months after the body of Laura Foster had been found. The following pages are an authentic account of the trial, as taken from the handwritten official record of the clerk of Iredell County.

(1) The F.C. Brown Collection of North Carolina Folklore Vol. 2, p. 705. (2) Ibid. p. 706.